

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Attorney Docket No.: 14643-009020US

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

On September 10, 1999

TOWNSEND and TOWNSEND and CREW LLP

By: Marcus Stamm



18
X

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of:

Lonberg, et al.

Application No.: 08/728,463

Filed: October 10, 1996

For: Transgenic non-human animals
capable of producing heterologous
antibodies

COMMUNICATION UNDER

37 C.F.R. §1.28(c)

PAYMENT OF FEE DEFICIENCY
PURSUANT TO 37 C.F.R. §1.28(c) -
CHANGE IN ENTITY STATUS

OFFICE OF PETITIONS
A/C PATENTS

SEP 15 1999

RECEIVED

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

COMMUNICATION UNDER 37 C.F.R. §1.28(c)

Sir:

Applicants respectfully submit under 37 C.F.R. §1.28(c) authorization to pay supplementary fees and consideration of the remarks set forth herein. The following documents are enclosed herewith:

- Postcard
- this paper is submitted in duplicate

09/15/1999 MBLANCO 00000013 201430 08728463

01 FC:105	130.00 OP
02 FC:103	180.00 OP
03 FC:102	858.00 OP
04 FC:117	297.00 OP
05 FC:101	573.00 CH
06 FC:117	760.00 CH

REMARKS

Please change the status of the above-referenced U.S. Serial Number (USSN) 08/728,463, filed October 10, 1996, from small entity status to large entity status. MPEP

509.03, 7th ed., July, 1998.

Application No.: 08/728,463
Page 2

Applicants no longer claim the benefit of small entity status for the above-identified patent and wish to submit supplemental large entity fee(s) as follows.

The supplemental fees to be paid are set forth below:

Paper	Date	Fee paid	Current Fee	Difference
missing parts surcharge	3/17/97	\$65.00	\$130.00	\$65.00
# claims in excess of twenty fee	3/17/97	\$(10 x 11) = \$110.00	\$(10 x 18) = \$180.00	\$70.00
independent claims in excess of three fee	3/17/97	(11 excess) \$440.00	(11 x 78) = \$858.00	\$418.00
extension of time fee (3 months)	3/17/97	\$465.00	\$870.00	\$420.00
patent filing fee	3/17/97	\$385.00	\$760.00	\$375.00
extension of time fee (3 months)	12/22/97	\$475.00	\$870.00	\$420.00
total				\$1768.00

The Assistant Commissioner for Patents is hereby authorized to charge the fee of \$1768.00 to Deposit Account No. 20-1430, which Applicants believe is sufficient to make up the deficiency between the amount of the fees paid and the amount of issue fees due.

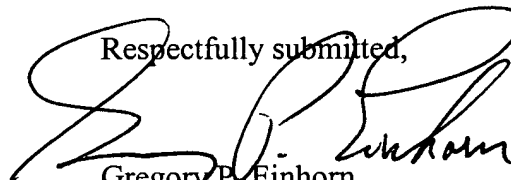
However, if necessary, please charge any additionally needed fees to Deposit Account No. 20-1430.

Applicants do not believe that any further fees are due with this response. If necessary, please charge any needed fees, or refund any overpayment, to Deposit Account No. 20-1430.

Application No.; 08/728,463
Page 3

If additional issues need to be addressed, please telephone the undersigned or
Bill Smith at 415-576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gregory P. Einhorn', is written over the typed name.

Gregory P. Einhorn
Reg. No. 38,440

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
email: gpeinhorn@townsend.com

GPE:mys
SF 1008338 v1